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BAYKEEPER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BAYKEEPER, a non-profit corporation,

Plaintiff,

v.

BAE SYSTEMS SAN FRANCISCO SHIP
REPAIR, INC.,

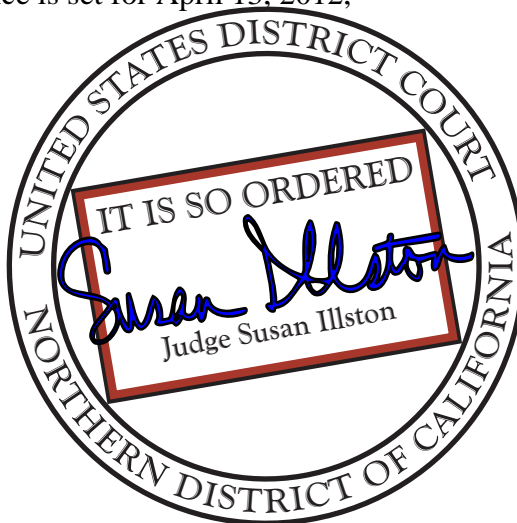
Defendant.

Civil Case No. C 11-05184-SI

Hon. Susan Illston

**NOTICE OF SETTLEMENT;
REQUEST TO VACATE INITIAL
CASE MANAGEMENT CONFERENCE
AND RELATED DEADLINES**

the initial case management conference is set for April 13, 2012,
at 2:30 p.m.



1 **TO THE COURT AND TO THE PARTIES:**

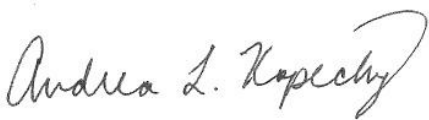
2 **PLEASE TAKE NOTICE** that Plaintiff Baykeeper (“Baykeeper”) and Defendant BAE
 3 Systems San Francisco Ship Repair, Inc. (“BAE Systems”) (collectively, the “Parties”) have reached
 4 a settlement in this action, whose specific terms are set forth in a [Proposed] Consent Decree that has
 5 been executed by the Parties. As required by federal law, a copy of the [Proposed] Consent Decree
 6 has been sent to the U.S. Department of Justice and to the U.S. Environmental Protection Agency
 7 (collectively “the Agencies”) for a mandatory 45-day review period under Section 135.5 of Title 40
 8 of the Code of Federal Regulations. Copies of the [Proposed] Consent Decree were sent to the
 9 Agencies via U.S. Certified Mail on today’s date. Because the Agencies interpret the 45-Day review
 10 period as commencing on the date the Agencies receive the [Proposed] Consent Decree, Plaintiff will
 11 promptly notify the Court in writing upon expiration of the 45-Day review period, and shall advise
 12 the Court as to whether any objections were received from the Agencies. Upon expiration of the 45-
 13 Day review period, Plaintiff will also file the [Proposed] Consent Decree, along with a [Proposed]
 14 Order entering the Consent Decree and dismissing this case, for the consideration, approval, and
 15 execution by the Court. The Court may sign and enter the Consent Decree after the 45-Day review
 16 period has expired. *See* 40 C.F.R. § 135.5; 33 U.S.C. § 1365(c)(3).

17 Consistent with the impending settlement of this action, the Parties hereby respectfully request
 18 that the Court vacate from its calendar the February 3, 2011 Initial Case Management Conference and
 19 ADR Deadlines. Should the Court require any additional information, the undersigned will be
 20 pleased to provide it upon request.

21
 22 Dated: November 7, 2011

Respectfully Submitted,

23
 24
 25 By:


 Andrea Kopecky
 Attorney for Plaintiff
 BAYKEEPER